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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,940	04/08/2005	Helmut Jahn	03-12-56	2282

30996 7590 04/06/2007
ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS, NM 87059-7507

EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT	PAPER NUMBER
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3641

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/530,940

Applicant(s)

JAHN, HELMUT

Examiner

Michelle (Shelley) Clement

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 18-20 are objected to because of the following informalities: Claims 18-20 are dependent on a canceled base claim and therefore are withdrawn from examination. Appropriate correction or cancellation is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Kaltman DE 3410467. Kaltman discloses an apparatus that can be used to protect an object against ammunition in the form of guided missiles, comprising: a device carrier that is adapted to be disposed or mounted on the object that is to be protected; at least one warning sensor for detecting an incoming guided missile, wherein said at least one warning sensor is disposed on said device carrier; and active elements for repelling the guided missile, wherein said active elements are disposed on said device carrier.

4. Claims 11-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudolf et al. (US Patent # 5,661,254). Rudolf et al. discloses an apparatus that can be used to protect an object against ammunition in the form of guided missiles, comprising: a device carrier that is adapted to be disposed or mounted on the object that is to be protected; at least one warning sensor for detecting an incoming guided missile, wherein said at least one warning sensor is

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disposed on said device carrier; and active elements for repelling the guided missile, wherein said active elements are disposed on said device carrier. Wherein in a region below said at least one warning sensor, firing devices for active elements that can be fired, and which are adjustable at least in elevation, are disposed in such a way that a field of viewing of said at least one sensor is not limited in azimuth and elevation.

Wherein said firing devices are embodied as launchers for firing projectiles.

Wherein said device carrier, in a region below said at least one warning sensor, is provided with an enclosed installation space for receiving electrical and electronic components

5. Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumann (US Patent # 3,946,640). Baumann discloses an apparatus that can be used to protect an object against ammunition in the form of guided missiles, comprising: a device carrier that is adapted to be disposed or mounted on the object that is to be protected; at least one warning sensor for detecting an incoming guided missile, wherein said at least one warning sensor is disposed on said device carrier; and active elements for repelling the guided missile, wherein said active elements are disposed on said device carrier. Wherein in a region below said at least one warning sensor, firing devices for active elements that can be fired, and which are adjustable at least in elevation, are disposed in such a way that a field of viewing of said at least one sensor is not limited in azimuth and elevation.

Wherein said firing devices are embodied as launchers for firing projectiles.

Wherein said device carrier, in a region below said at least one warning sensor, is provided with an enclosed installation space for receiving electrical and electronic components

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Wherein respective units comprised of a plurality of said firing devices are disposed on a plurality of sides of said device carrier.

Wherein a unit of electronic/electro-optical active elements that is adjustable at least in azimuth is disposed on said device carrier in a region above said at least one warning sensor.

Wherein said device carrier is embodied as a narrow, upwardly directed unit on which a housing is mounted, wherein said unit of electronic/electro-optical is disposed above said housing, wherein said housing contains a directional drive for said unit of electronic/electro-optical elements, wherein said at least one warning sensor is disposed in sides of said housing, wherein in an upper portion of said device carrier, below said housing, an installation space is provided for receiving electrical and electronic components, and wherein on opposite sides of a lower portion of said device carrier, units having said firing devices for launchable active elements are disposed.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michelle (Shelley) Clement
Primary Examiner
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